HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27465 of 1997

Dated:07.02.2007

Between:

S.mt.Jagini Sakkubai.

...Petitioner.

and

The Collector, Nalgonda and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27465 of 1997

ORDER:

The petitioner prayed for a writ of *mandamus* declaring the action of respondents 1 and 2 in preventing her from carrying out business in shop Nos.5-5-2/9, 10, 64 and 67 situated at Prakasham Bazar, Nalgonda. According to her, the respondents have posted a person in front of the said shops, who prevented her from conducting the business. A notice is said to have issued to the respondents to disclose the reason for such interference. On finding that neither a reply was issued, nor any reasons were stated, the petitioner approached this Court.

While admitting the writ petition, an interim direction was issued by this Court on 27.10.1997. The respondents have not chosen to file any counter-affidavit.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue.

In case the respondents find that the enjoyment of the property, referred to above, by the petitioner is contrary to any provisions of law, it is always open to them to initiate proceedings under the relevant enactments. Unilateral and

high-handed action by deputing a person to prevent the petitioner from doing the business, cannot be sustained. On the other hand, such an approach deserves to be deprecated. The rights of the petitioner have been protected under the interim order and it is stated that ever since then, there is no interference.

Hence, the writ petition disposed of, directing that the respondents herein not to interfere with the possession and enjoyment of the petitioner over shop Nos.5-5-2/9, 10, 64 and 67 situated at Prakasham Bazar, Nalgonda. It is made clear that, in case the respondents intend to proceed against the petitioner, they shall be under obligation to issue notice under the relevant provisions of law. There shall be no order as to costs.

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Dt.07.02.2007
L.NARASIMHA REDDY, J

GJ

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